THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17349 OF 2006

DATED: 25.08.2006

Between:

M/s Satyanarayana Modern Rice Mill,
S.C.No.2006, Category – III,
Choutuppal, Nalgonda District,
Represented by its Proprietor,
Neela Vasudev.

…PETITIONER

And:

The Andhra Pradesh Central Power Distribution
Corporation Limited, Vidyut Soudha,
Somajiguda, Hyderabad,
represented by its Managing Director and others.

…**RESPONDENTS**

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ORAL ORDER:

Petitioner's grievance is against the letter of the second respondent bearing No. CGM/Op/DE(O&M)/F.251(vi)/2609, dated 11/12.10.2004, whereby, the authority has stated that as per condition Nos.22.3.3.4 of the terms and conditions of supply, the Superintending Engineer (Operations) is the appellate authority for back billing cases in respect of LT services, and the final assessment made by the Superintending Engineer (Operations) is final. Hence, the appeal preferred by the petitioner before the Chief General Manager (Operations) is not considered and the petitioner is requested to pay the amounts as finalized by the Superintending Engineer (Operations).

It is conceded by the learned Standing Counsel appearing for the respondents that this communication of the second respondent makes sense neither in law nor in substance or language. The petitioner is aggrieved by a back billing order, dated 16.06.2001, passed by the Superintending Engineer (Operations)-third respondent. In that order of the third respondent it has been recorded that an appeal against that order lies with the Chief Engineer (Operations), APCPDCL, the appellate authority. When the petitioner preferred an appeal, it received the impugned endorsement.

Clearly, the endorsement is irrelevant and carelessly and negligently drafted. The Superintending Engineer (Operations) was not identified by the petitioner as the appellate authority. The petitioner preferred the appeal as directed in the third respondent's order dated 16.06.2001, to the Chief Engineer (Operations). This is the first error in the second respondent's order. The second error is in stating that the petitioner had preferred an appeal to the Chief General Manager (Operations), which is also incorrect. The petitioner had preferred an appeal to the Chief Engineer (Operations).

The learned Standing Counsel now states that the Chief General Manager (Commercial) is the competent and appellate authority against the order of the third respondent, dated 16.06.2001 and that the Chief General Manager (Commercial), an employee of the first respondent-Corporation, undertakes to dispose of the petitioner's appeal within a period of three months from today.

Recording the said submission and directing the first respondent to ensure that the Chief General Manager (Commercial) of the said Corporation disposes of the petitioner's appeal within a period of three months from today, the writ petition is disposed of. The Chief General Manager (Commercial) shall pass a reasoned order on the petitioner's appeal.

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25.08.2006

Note: Furnish C.C. in one week.

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